

CLARE E. CONNORS 7936
Attorney General of Hawaii

CARON M. INAGAKI 3835
SKYLER G. CRUZ 9551

Deputy Attorneys General
Department of the Attorney
General, State of Hawaii
425 Queen Street
Honolulu, Hawaii 96813
Telephone: (808) 586-1494
Facsimile: (808) 586-1369
E-Mail: Caron.M.Inagaki@hawaii.gov
Skyler.G.Cruz@hawaii.gov

Attorneys for Defendants
STATE OF HAWAII; CLARE CONNORS
(ATTORNEY GENERAL); OFFICE OF ELECTIONS;
SCOTT NAGO (CHIEF ELECTION OFFICER)

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

CALVIN CHRISTOPHER GRIFFIN,

Plaintiff,

vs.

STATE OF HAWAII; CLARE
CONNORS (ATTORNEY
GENERAL); OFFICE OF
ELECTIONS; SCOTT NAGO
(CHIEF ELECTION OFFICER),

Defendants.

CIVIL NO. 20-00454 SOM-KJM

DEFENDANT SCOTT NAGO'S
(CHIEF ELECTION OFFICER)
MOTION TO DISMISS THE SECOND
AMENDED COMPLAINT
(REVISED); MEMORANDUM IN
SUPPORT OF MOTION;
CERTIFICATE OF SERVICE
(ECF No. 24)

Judge: Honorable Susan Oki Mollway

DEFENDANT SCOTT NAGO'S (CHIEF ELECTION OFFICER)
MOTION TO DISMISS THE SECOND AMENDED COMPLAINT (REVISED)

Defendant Scott Nago (Chief Election Officer), by and through his attorneys Clare E. Connors, Attorney General of the State of Hawaii, and Caron M. Inagaki and Skyler G. Cruz, Deputy Attorneys General, hereby moves this Court for an order dismissing Plaintiff's Second Amended Complaint (Revised) filed on March 10, 2021.¹ ECF No. 24.

This motion is brought pursuant to Rules 7, 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, and is based on the memorandum in support of motion, records and files herein, and the arguments at the hearing of this motion.

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¹ It is Defendant Nago's understanding that the Second Amended Complaint (Revised) filed on March 10, 2021 (ECF No. 24) is the operative pleading. If, however, the Second Amended Complaint filed on March 1, 2021 (ECF No. 22) is the operative pleading, then this motion should be read as seeking dismissal of that pleading. If the Second Amended Complaint and Second Amended Complaint (Revised) should be construed together, then this Motion should be read as seeking dismissal of both pleadings.

DATED: Honolulu, Hawaii, March 29, 2021.

STATE OF HAWAII

CLARE E. CONNORS
Attorney General
State of Hawaii

/s/ Skyler G. Cruz
CARON M. INAGAKI
SKYLER G. CRUZ
Deputy Attorneys General

Attorney for Defendants
STATE OF HAWAII, CLARE
CONNORS (ATTORNEY
GENERAL), OFFICE OF
ELECTIONS, and SCOTT NAGO
(CHIEF ELECTION OFFICER)